

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings includes changes to FIGS. 1-3. These sheets, which include FIGS. 1-3, replace the original sheets including FIGS. 1-3.

Attachment: Two (2) Replacement Sheets

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REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1, 2, 4-6, 14-16, 18-20, 28-30, 32-34, 42, 57, 58, 60-62 and 70 are pending in this application. Claims 1, 5, 15, 19, 29, 33, 57 and 61 are amended.

Priority Under 35 U.S.C. 119

On the Office Action summary, the Examiner indicated that some of the certified copies of the priority documents have been received. The Office Action summary indicates that the attached detailed Office Action will list the certified copies not received. However, a review of the attached detailed Office Action does not indicate which certified copies have not yet been received. The Applicant respectfully requests that the Examiner indicate which certified copies of the priority documents, if any, need to be received in the next Office Action or Notice of Allowance so that the Applicant can provide the documents.

Drawings

FIGS. 1-3 are objected to. The Examiner requested that FIGS. 1-3 be designated by a legend such as --Prior Art-- because only that which is old is illustrated. The Applicant attaches replacement sheets for FIGS. 1, 2, and 3 having the legend requested by the Examiner. Therefore, the Applicant respectfully requests that the objections to the drawings be removed.

Claim Objections

Claim 29 is objected to because line 5 which reads "encoded by bi-phase modulation method" should read "encoded by a bi-phase modulation method." The Applicant has amended

claim 29 to correct the minor typographical error in line 5 and respectfully requests that the objection to claim 5 be removed.

Claim Rejections under 35 U.S.C. § 112

Claims 1, 2, 4-6, 14-16, 18-20, 28-30, 32-34, 42, 57, 58, 60-62, and 70 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Applicant respectfully traverses this rejection as detailed below.

The Applicant does not necessarily agree that the above-mentioned claims are vague and indefinite. However, to forward prosecution the Applicant has amended independent claims 1, 15, 29, and 57. The amendments to the claims are believed to obviate the rejections under 35 U.S.C. § 112 of the above-mentioned claims. The Applicant respectfully requests that the rejections under 35 U.S.C. § 112 of claims 1, 2, 4-6, 14-16, 18-20, 28-30, 32-34, 42, 57, 58, 60-62, and 70 be removed.

Claim Rejections under 35 U.S.C. § 102

Claims 1, 2, 4-6, 15, 16, 18-20, 29, 30, 32-34, 57, 58, and 60-62 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication Number 2003/0007432 to Minamino et al. ("Minamino"). The Applicant respectfully traverses this rejection.

A claim is anticipated only if each and every element as forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP Sec. 2131; *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir.1987).

The Applicant respectfully asserts that Minamino does not teach or suggest all of the limitations set forth in the claims. For example, claim 1 has been amended to recite a computer readable recording medium including, among other things, control information recorded

“by a bi-phase modulation method in such a manner that bit 0 and bit 1 are determined respectively depending on a direction of a transition of the wobble pattern within a predetermined period, wherein one of the bit 0 and the bit 1 is represented by only one transition from high to low in a middle within the predetermined period and another one is represented by only one transition to an opposite direction in the middle within the predetermined period.”

The Applicant respectfully asserts that Minamino does not teach or suggest a computer readable medium including the language of claim 1 quoted above for at least three reasons. First, the above quoted portion of claim 1 describes a transition being in the middle of the predetermined period. As can be shown in FIGS. 36-37E of Minamino, the predetermined period broken shown by the dashed lines do not contain a transition in the middle of the predetermined period. Rather, the middle portion of the predetermined period comprises either a straight line or a curve. At best, the transition would be characterized as being in approximately the first quarter and fourth quarter or first third and last third of the predetermined period, not in the middle.

Second, amended claim 1 describes one of “the bit 0 and the bit 1 is represented by only one transition from high to low” and the “another one is represented by only one transition to an opposite direction.” As can be seen in FIGS. 36-37E of Minamino the bits 0 and 1 identified as the control information element 1505 is represented by a series of transitions that are not in opposite directions, but rather in the same direction. For example, as shown in FIG. 37A, the 0 bit corresponds to a transition from low to high then from high back down to low. The 1 bit is also shown by a transition from low to high then from high back down to low. The difference being the shapes of the transitions, not the direction of the transitions as claimed. In the 0 bit the first transition is block or rectangle shaped and the second transition is a smooth curve. The 0 bit

is represented by opposite shaped transitions where the first transition is a smooth curve, and the second transition is block or rectangle shaped.

A review of the various figures 36-37E shows that the control information elements bit 0 or 1 are defined by a series of transitions from low to high then high to low and distinguished only by their shape, either smooth curves or block shapes. In contrast, the above quoted portion of claim 1 does not distinguish between the bit 0 and bit 1 by transitions of the same directions distinguished only by shapes, but rather one of the bit 0 and bit 1 is represented by only one transition from high to low within the predetermined period and the other one is represented by only one transition in an opposite direction in the middle within the predetermined period. Minamino does not teach or otherwise suggest the bit 1 and the bit 0 being distinguished by a transition in an opposite direction in the middle of the predetermined period.

Third, as quoted above with respect to claim 1, one of the bit 0 and the bit 1 is represented by only one transition and the other one is represented also by only one transition. In contrast, in Minamino, as can be shown in FIGS. 36-37E, bit 1 and bit 0 are represented by at least two transitions. An example of a bit being represented by two transitions is shown in FIG. 37A where a transition occurs from low to high then another transition occurs from high low to describe bit 0. An example of a bit 1 or 0 being represented by four transitions is shown in FIG. 37C where bit 0 is described as a transition from low to high then high to low then low to high then high to low. FIG. 36 is an example where eight transitions are used to describe bit 1 and bit 0.

As shown in the FIGS. and describe above, Minamino does not teach or suggest a system where one of bit 0 and bit 1 is represented by only one transition and the other one is represented by only one transition as recited above with respect to claim 1. For at least these reasons the

Applicant respectfully asserts that the rejections under 35 U.S.C. § 102 of claim 1 and its dependent claims be removed.

The Applicant notes that the other independent claims, claims 15, 29, and 57, recite language similar to that quoted above with respect to claim 1. Minamino fails to teach all of the limitations set forth in the other independent claims at least for the reasons set forth above with respect to claim 1. Therefore, the Applicant respectfully requests that the rejections under 35 U.S.C. § 102 of claims 1, 2, 4-6, 15, 16, 18-20, 29, 30, 32-34, 57, 58, and 60-62 as being anticipated by Minamino be removed.

Claim Rejections under 35 U.S.C. § 103

Claims 14, 28, 42, and 70 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Minamino in view of U.S. Publication Number 2002/0089920 to Gotoh et al. ("Gotoh"). The Applicant respectfully traverses this rejection.

Claims 14, 28, 42, and 70 depend upon one of the independent claims discussed above and patentable at least by reason of their dependency. Therefore, the Applicant respectfully requests that the rejections of claims 14, 28, 42, and 70 under 35 U.S.C. § 103(a) as being unpatentable over Minamino in view of Gotoh be removed.

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CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims of this application is earnestly solicited.

Pursuant to 37 CFR §§ 1.17 and 1.136(a), Applicants petition for a three (3) month extension of time for filing a reply to the June 6, 2008 Office Action, and submit the required \$1,110.00 extension fee herewith.

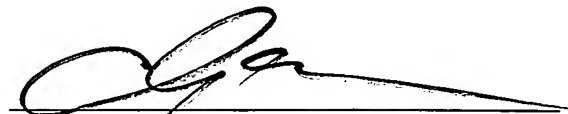
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Terry L. Clark at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



Terry L. Clark, Reg. No. 32,644
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

TLC/PXL:eaf